

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

NATIONAL LABOR RELATIONS
BOARD,

Civil No. 08-0065 (JRT/JJG)

Applicant,

v.

ORDER

FORTUNE BAY RESORT CASINO,

Respondent.

Joseph H. Bornong, **NATIONAL LABOR RELATIONS BOARD**, 330 South Second Avenue, Suite 790, Minneapolis, MN 55401, for applicant.

Mark A. Anderson, Henry M. Buffalo, Jr., Jessica Intermill, and Joseph F. Halloran, **JACOBSON, BUFFALO, MAGNUSON, ANDERSON & HOGAN**, 1295 Bandana Boulevard, Suite 335, Saint Paul, MN 55108, for respondent.

This case is before the Court on respondent Fortune Bay Resort Casino's ("Fortune Bay") motion to stay enforcement of the Court's judgment entered on February 26, 2010. On March 19, 2010, the Court granted Fortune Bay's motion for Temporary Relief from Judgment pending the Court's ruling on the instant motion. (Docket No. 46.) After considering the record and the parties' submissions, the Court concludes that Fortune Bay has not established that a stay pending appeal is warranted. *See* Fed. R. Civ. P. 62(c); *Knutson v. AG Processing, Inc.*, 302 F. Supp. 2d 1023, 1034 (N.D. Iowa 2004). Accordingly, the Court denies Fortune Bay's motion. The Court will not lift the present stay, however, until twenty days after the filing of this Order to provide Fortune Bay an

opportunity to file a motion for stay pending appeal in the court of appeals. *See* Fed. R. App. Pro. 8(a)(2).

Based on the foregoing, and the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that

1. Fortune Bay Resort Casino's Motion for Stay Pending Appeal [Docket No. 34] is **DENIED**.
2. The Stay of Enforcement of the Court's February 26, 2010, Judgment [Docket No. 46] will be **LIFTED** twenty (20) days after the filing of this Order.

DATED: April 16, 2010
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge